

1907-041 Chancery Causes: Daniel Stewart vs. Lottie Stewart
Lee Co.

Steward, Stanley

CA-Divorce

T-Views

Migration

To the Hon. H.A.W.Skeen, Judge of the Circuit Court for Lee County Virginia:

Your Orator, humbly complaining, respectfully shows unto the court that he is now, and has been for more than one year last past, a resident of said county and state.

Your orator further shows that on or about the ---day of December, 1903 at Cumberland Gap, In Claiborne County Tennessee, your orator was duely and legally married to Lottie Stewart, the defendant herein.

Your orator further shows unto the cou rt that after said marriage your orator and the defendant lived and cohabited together as husband and wife until the ---day of February, 1904, when they separated ^{*The defendant deserting your orator*} and have not since cohabited together.

And your orator shows unto the court that he has been informed and believes and therefore charges that the defendant, disregarding the solemnity of her marriage vow has ~~be~~

been guilty of Adultery since her marriage to your orator with one ^{*Will Wyrick*} ~~John Bustle~~ at the home of your orator in the Renfro house on 15th. st. in Middlesboro. Kentucky and that ~~th~~

the defendant has been guilty of addulte ry with other persons whome your orator does not know.

And your positively avers that the acts done, and the cause of divorce charged in this bill of complaint, for which divorce is sought, were committed without the consent ~~xx~~ connivance, privity or procurement of your orator, and that this bill is not founded on or exhibited in consequence of any collusion, agreement or understanding whatever between ~~b~~ the parties thereto, or between your orator and any other person.

Forasmuch therefore, as your orator is without remedy, in the premises except in a court of equity, the prayer of your orator is that the defendant be required to answer

answer this petition, and the bonds of matrimony heretofore contracted and now existing between the Plaintiff and the Defendant be forever dissolved, and for such other relief as your orator appears to be entitled and your orator will ever pray etc.

Daniel Stewart

By

W. K. Hopkins atty. for

Dan Stewart

v.s. { petition in
chancery

Lothe Stewart

Filed February 5, 1907

H. C. J. Ewing

clerk

1907 1st Feb. Rules

Spec. Executed

" 2nd Feb. Rules

cause set for
hearing.

Costs:

clerk \$3.30

Atty 15.00

Shiff. 1.00

Comr. 75-

Day 1.50

Pay \$31.55

1900 to 10

Dan Stewart

vs. { Decree
Lottie Stewart

This cause came on this day to be heard upon the plaintiff's bill, exhibits filed and the deposition of witnesses and was argued by counsel for plaintiff. On consideration whereof, the court being of the opinion that the charge of adultery against the defendant is sufficiently proved, doth adjudge order and decree that the marriage heretofore solemnized between Dan Stewart and Lottie Stewart, the defendant be, and the same is hereby dissolved and the said Dan Stewart forever divorced from his wife, the said Lottie Stewart.

And that the plaintiff recover from the defendant his costs by him expended in the prosecution of this suit. And the cause is ordered to be stricken from the docket.

Dan Stewart
vs. L. Anne
Lottie Stewart

Feb. 18th 1907

Entered in C.O.B.
#8, page 257 re-

Enter this

H A W Sinner
Feb. 18, 1907 -

The depositions of Fanny Stanley and others taken before me, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia at the office of Duncan & Cridlin, Jonesville, Lee County, Virginia, on the 15th day of February, 1907, pursuant to notice hereto attached, which depositions are intended to be read as evidence on behalf of the plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, Virginia, in which Dan Steward is plaintiff and Lottie Steward is defendant:

Present W.K. Hopkins, attorney for the plaintiff.

Daniel Steward a witness of lawful age, being first duly sworn deposes as follows:

Q.1.-- State your, age, place of residence and occupation, and are you one of the parties to this suit.

A.-- I am 39 years old, reside at Pennington Gap, Lee County, Va. am a laborer, and am plaintiff in this suit.

Q.2.-- Have you been a citizen of this state for more than 12 months?

A.-- I have.

Q.3.-- Do you and your wife Lottie Steward live together now, and if not how long have you been separated?

A.-- We do not. We have not lived together for a little over three years, before the institution of this suit.

Q.4.-- Have you lived or co-habited with her since the separation?

A.-- No sir.

Q.5.-- Please state where you and your said wife lived when the separation took place, and also please state where your said wife now lives?

A.-- We lived in Middlesboro, Ky. when we separated, and she now lives near Wheeler depot in Lee County, Va.

And further this deponent saith not.

Daniel Steward

Clide Steward, another witness being duly sworn deposes as follows:

Q.1.-- Please state your age, and your relationship to Dan Steward and Lottie Steward?

A.-- I am going on 13 years old. Dan Steward is my father, and Lottie Steward is my step-mother.

Q.2.-- Is your father and step-mother living together now?

A.-- No sir.

Q.3.-- Do you remember when your father and step mother lived together at Middlesboro, Ky., and if so how long has that been?

A.-- Yes sir, it has been about three years ago.

Q.4.-- What did your father work at when he lived in Middlesboro?

A.-- At the tannery.

Q.5.-- Did he work during the days or during the nights?

A.-- He worked day and night both. He worked one week every day and one week every night.

Q.6.-- When your father would be away at work at night at the tannery, tell what you may know about the conduct of your step-mother and other men in his absence.

A.-- Some men would come there and give her whiskey, one of these men was Lon Ball, and she would drink the whiskey. I saw Ball give her money more than one time. She would send me off up-stairs to bed, and I would go and leave men there with her, and I do not know how long they staid. One time she left the house with a man, but I do not know who he was. None of these men boarded there at our house.

And further this deponent saith not.

his
Clide X Steward
not

Fanny Stanley another witness being duly sworn deposes as follows:

Q.1.-- Where do you live Mrs. Stanley?

A.-- I live at Pennington Gap, Va.

Q.2.-- What relationship do you bear to the plaintiff and defendant in this case.

A.-- I am a daughter of the plaintiff and step-daughter of the defendant.

Q.3.-- Did you live with your father and step-mother in Middlesboro when they lived there?

A.-- I did.

Q.4.-- Please state if you know why your step-mother and father separated.

A.-- I don't know.

Q.5.-- They did separate, did they not?

A.-- They did.

Q.6.-- Please state what you may know of your step-mother's conduct in Middlesboro, before and after she and your father separated?

A.-- After she and my father were married she got letters from Will Wyrick, he was in the army, and after she and my father separated she and this man Wyrick lived together there in Middlesboro as man and wife. They were living together when we moved away from there and came to Pennington Gap to live. One night she left the house when my father was away, and never came back till about 4 o'clock next morning. Wyrick came and lived with her in the house that my father had lived in there with her. At one time I remember some man came to the door and knocked at night and she went out to him and staid some time.

And further this deponent saith not.

Fanny X Stanley
sworn

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Daniel Steward, Clide Steward and Fanny Stanley, were taken sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 15th day of February, 1907

Geo. P. Cridlin
Commissioner in Chancery.

David Steward
vs. { In Chy.
Lattie Steward
Depositions
Filed Feb 15, 1907.

H.C.P. Ewing, Clerk.

Court fee 75 cts.
Paid by M.H.

Notice to take Depositions.

[Code §§3359-68; 4 Min Inst. (2ed.), 745 & seq.; 2 Dart Chy. Prac. (2ed.), p 783 & seq.; Hurst's Guide & Manual, p. 16 & seq.]

To Lottie Steward

Take notice, that I shall, on the 15 day of February, 1907, at
the Law Office of Duncan & Bridler
in Jonesville, Va., between the hours of 8, A. M., and
4, P. M., on that day, proceed to take the depositions of Fannie Stanley

and others, to be read in the evidence in my behalf, in a certain suit in equity depending in
the Circuit court for the county of Lee wherein you are

Defendant and I am Plaintiff

and, if, from any cause, the taking of the said depositions be not commenced on that day, or, if
commenced, be not concluded on that day, the taken of the same will be adjourned and continued
from day to day, or from time to time, at the same place and between the same hours, until the
same shall be completed.

Respectfully yours,

Dan Steward
Per W. S. Hopkins Atty

Executed on the
12th day of
February, 1907,
by delivering a
true copy of
the within notice
to (Mrs Dan
Stewart) Lottie
Stewart, the defen-
dant, this Feb.

13th 1907

Wm Littrell

Deputy Sheriff

Dan Stewart

P.S.

Lottie Stewart

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Lottie Steward

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *February*, 190*7*, to answer a bill in chancery exhibited against *her*
by Dan Steward.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *23rd*
day of *January*, 190*7*, and 1 *31st* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Dan Steward,

VS

SUBPOENA
IN
CHANCERY.

Lottie Steward,

W. K. Hopkins, - p. q

To. 1st Feb'y.

Rules.

Circuit
1907-

Court.

Executed on Jan 31st 1907
by delivering a true copy of the
within to both Steward &
Mrs. Lottie
Deputy Sheriff
for P. M. Hall
J. S. S.